

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**HENRY GRAVES, Jr.,**

**Plaintiff,**

**v.**

**No. CV 15-0330 LAM/CEG**

**BULL ROGERS, Inc. and BULL ROGERS  
LAYDOWN, Inc.,**

**Defendants.**

**ORDER OF DISMISSAL**

**THIS MATTER** is before the Court on the Court's *Order to Show Cause* (Doc. 34), filed December 16, 2015, which ordered Plaintiff to file a response to the Order within fifteen (15) days showing cause why his case should not be dismissed for failure to appear at his deposition, and why he should not be ordered to pay Defendants' reasonable expenses, including attorney's fees, caused by his failure to appear. No response to the Order to Show Cause has been filed and the time for doing so has passed. Plaintiff was advised in the Order to Show Cause that failure to respond will result in the dismissal of his claims and this lawsuit without further notice. *Id.* at 2. The Court, therefore, will: (1) grant *Defendants' Motion for Rule 37(d) Sanctions* (Doc. 32), (2) dismiss Plaintiff's case without prejudice for failure to appear at his deposition and failure to respond to the Order to Show Cause, and (3) order that Plaintiff shall pay Defendants' reasonable expenses, including attorney's fees, caused by his failure to appear at his deposition.

**IT IS THEREFORE ORDERED** that *Defendants' Motion for Rule 37(d) Sanctions* (Doc. 32) is **GRANTED** and Plaintiff's case is hereby **DISMISSED** without prejudice.

**IT IS FURTHER ORDERED** that Plaintiff shall pay Defendants' reasonable expenses, including attorney's fees, caused by his failure to appear at his deposition.

**IT IS SO ORDERED.**

  
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**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**  
**Presiding by Consent**